

July 21, 2004
Case No.: DP-309461 (7500/241)
Serial No.: 10/639,946
Filed: August 13, 2003
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-- REMARKS --

Claims 1-20 were rejected under 35 U.S.C. §102(b) as anticipated by Siler. This rejection is traversed. As an initial matter, Applicants note that the Examiner's summary rejection "see figure 2" does not provide any real support for the Examiner's apparent allegation that the reference discloses the claimed invention. The Examiner wholly failed to point out the allegedly anticipatory parts and wholly failed to provide evidence that all claims were examined. While the rejection fails for other reasons, the Examiner's failure to provide any real support for his rejections is noted.

In order to maintain this §102(b) rejection, each and every element of the claimed invention must be disclosed in at least as great detail as claimed. As Siler fails to disclose "a cup-shaped ball screw having an annular cylindrical sidewall disposed about a rotational axis and closed at one axial end thereof by an end wall joined around an entire periphery thereof integrally with the sidewall, with the end wall adapted to form a carrier for operatively supporting at least one planetary gear" this rejection must fail.

First, Siler does not disclose, and indeed teaches away from, the sidewall of the ball screw integral with the entire periphery of the end wall. As illustrated in FIG. 2 of Siler, one "or more projections, such as splines or keys 50 are disposed around the perimeter of the second stage carrier 42. The keys 50 are adapted to engage mating splines or keyways 52 formed in an inner surface of a ball screw 54." See, Siler, column 2, lines 65-column 3, line 2. Further, Siler does not disclose that the sidewall is "joined around an entire periphery."

Those of ordinary skill in the art recognize that the keys 50 and keyways 52 are included to guide assembly, and secure the relative position during operation, of the ball screw. In the instant case, the end wall and side wall are integral, obviating the need for keys and keyways. Contrary to the Examiner's assertion, use of the term "integrally" in this case does require the end wall to be the same piece as the side wall – if the pieces are different, the ball screw will fall apart, as no means for joining the pieces is disclosed.

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Second, Siler does not disclose that the ball screw is "cup-shaped" as required by claim 1. Siler discloses that the ball screw is a tube and a wall, whereas the instant claims require a "cup-shaped" ball screw. As illustrated in the figures of the instant case, a cup-shaped ball screw provides a hollow cylinder with one closed end, like a drinking cup. As illustrated in FIG. 2 of Siler, a non-cup shaped ball screw provides a cylinder separated from the end.

Therefore claim 1 is patentable over Siler. Claims 2-9 depend directly or indirectly from claim 1 and are therefore patentable over Siler for at least the same reasons. Claims 10 and 18 include similar limitations as claim 1, as do claims 11-17 depending directly or indirectly from claim 10, and claims 19-20 depending directly or indirectly from claim 18, and are therefore patentable over Siler for at least the same reasons as claim 1.

Withdrawal of the rejections to claims 1-20 is requested.

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SUMMARY

Claims 1-20 fully satisfy the strictures of 35 U.S.C. §§102, 103 and §112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain at issue that may best be resolved through a personal or telephonic interview, the examiner is respectfully requested to contact the undersigned at the telephone number listed below.

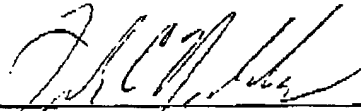
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Respectfully submitted,
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